

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

INTERNATIONAL BUSINESS MACHINES)
CORPORATION,)
)
 Plaintiff,)
)
)
 v.) C.A. No. 16-122-LPS
)
)
GROUPON, INC.,)
)
)
 Defendant.)

**DECLARATION OF SAPNA MEHTA IN SUPPORT OF Groupon's
LETTER BRIEF OPPOSING IBM'S MOTION TO STRIKE**

I, Sapna Mehta, declare that:

1. I am an associate with the law firm of Fenwick & West LLP, counsel of record for Defendant Groupon, Inc. ("Groupon") in the above-captioned matter, and am admitted *pro hac vice* to this Court. I submit this declaration in support of Groupon's letter brief opposing IBM's Motion to Strike Groupon Inc.'s Late-Disclosed Invalidity Theories (D.I. 172). I have personal knowledge of the facts in this declaration and, if called upon to do so, could and would testify competently as to the statements set forth herein.

2. Groupon served its preliminary invalidity contentions on February 22, 2017. On May 20, 2017, Groupon served an updated chart disclosing prior art combinations of U.S. Patent No. 5,961,601 (the "'601 patent") under 35 U.S.C. § 103. Attached hereto as **Exhibit 1** is a true and correct copy of the updated chart of prior art combinations for the '601 patent served on May 20, 2017.

3. Counsel for Groupon deposed Arun Iyengar, the named inventor of the '601 patent, on September 15, 2017. During his deposition, counsel for Groupon questioned Mr.

Iyengar about section “9.10.5 Maintaining State – a Shopping Cart” of the book Spinning the Web, by Yuval Fisher. Groupon produced a copy of Spinning the Web to IBM on September 15, 2017. Attached hereto as **Exhibit 2** is a true and correct copy of an excerpt from the full document produced by Groupon bearing Bates number GROUP309476. Groupon also served Third Amended Initial Disclosures on September 15, 2017 listing Yuval Fisher as an individual likely to have discoverable information that Groupon may use to support its defenses.

4. Groupon served its final invalidity contentions on September 25, 2017. Attached hereto as **Exhibit 3** is a true and correct copy of the chart Groupon included with its final invalidity contentions identifying where in the Spinning the Web reference each element of each asserted claim of the '601 patent is found.

5. Attached hereto as **Exhibit 4** is a true and correct copy of the chart Groupon included with its final invalidity contentions identifying where in the Amazon 1995 Website reference each element of each asserted claim of the '601 patent is found.

6. Attached hereto as **Exhibit 5** is a true and correct copy of the chart Groupon included with its final invalidity contentions identifying where in the Williams reference elements of the asserted claims of the '601 patent are found.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on October 6, 2017, in San Francisco, California.

/s/ Sapna Mehta
Sapna Mehta